

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

**THOMAS SHEPPHEARD,
TYLER RANDALL, and
ADAM PERRY, next friend and guardian of
Minor child J.P., on their own behalf
and on behalf of all others
similarly situated,**

Plaintiffs,

v.

**Civil Action No. 5:23-cv-00530
Judge Irene C. Berger**

**JAMES C. JUSTICE JR., his official capacity
as Governor of the State of West Virginia, and
MARK SORSAIA, in his official capacity
as the Cabinet Secretary of the West Virginia
Department of Homeland Security,**

Defendants.

DEFENDANT MARK SORSAIA'S MOTION TO EXCEED PAGE LIMIT

NOW COMES the Defendant, Mark Sorsaia, in his official capacity as the Cabinet Secretary of the West Virginia Department of Homeland Security, by counsel, Natalie C. Schaefer, Caleb B. David, Kimberly M. Bandy and Shuman McCuskey Slicer PLLC, and, pursuant to Rule 7.1(a)(2) of the Local Rules of Civil Procedure for the District Court for the Southern District of West Virginia, moves this Honorable Court for leave to file a Memorandum of Law in support of Defendant Mark Sorsaia's Motion to Dismiss exceeding twenty (20) pages in length. This Defendants requests leave to file a Memorandum not to exceed twenty-five (25) pages. In support of this Motion, Defendant Sorsaia states as follows:

1. The Local Rules of Civil Procedure require that a response memorandum to a motion be twenty pages or fewer. L. R. Civ. P. 7.1(2). Upon a showing of good cause, however, a Court may permit a party to exceed that page limitation. L. R. Civ. P. 7.1(a)(2).

2. On August 8, 2023, Plaintiffs filed their Class Action Complaint for Declaratory and Injunctive Relief. (ECF No. 1). The Complaint alleges violations of the Eighth and Fourteenth Amendments to the United States Constitution and seeks declaratory and injunctive relief related to the administration and funding of West Virginia's correctional system.

3. Defendant Sorsaia intends to raise numerous defenses in his Motion to Dismiss that are based upon complex constitutional analyses, requiring significant briefing.

4. Due to the complexity of the issues asserted by Plaintiffs and the anticipated legal arguments in response, the legal analysis required to support and explain the Defendant's positions cannot fully be presented in twenty pages or fewer. Because of the importance and complexity of the issues, this Defendant seeks leave to exceed the page limit and file a Memorandum of Law not exceeding twenty-five (25) pages.

5. Counsel have conferred regarding the instant motion, and Plaintiffs and Defendant James C. Justice, Jr., have no objection to this request.

6. Accordingly, Defendant Sorsaia submits that he has demonstrated good cause to exceed the page limitation set forth in Rule 7.1(a)(2) of the Local Rules of Civil Procedure.

WHEREFORE, Defendant Mark Sorsaia, in his official capacity as the Cabinet Secretary of the West Virginia Department of Homeland Security, respectfully requests that this Honorable Court enter an Order granting this Defendant leave to exceed the page limitation for his Memorandum of Law in support of his Motion to Dismiss.

MARK SORSAIA,
By Counsel,

/s/ Caleb B. David
Natalie C. Schaefer, Esquire (WVSB #9103)
Caleb B. David, Esquire (WVSB #12732)
Kimberly M. Bandy, Esquire (WVSB #10081)
SHUMAN MCCUSKEY SLICER PLLC

P.O. Box 3953
Charleston, WV 25339
(304) 345-1400; (304) 343-1826 (fax)
nschaefer@shumanlaw.com
cdavid@shumanlaw.com
kbandy@shumanlaw.com

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CERTIFICATE OF SERVICE

The undersigned, counsel for Defendant Mark Sorsaia, do hereby certify that on the 30th day of October 2023, a true and exact copy of “**DEFENDANT MARK SORSAIA’S MOTION TO EXCEED PAGE LIMIT**” was served on counsel via electronic means as follows:

Stephen P. New
Emilee B. Wooldridge
Stephen New & Associates
Counsel for Plaintiff s
430 Harper Park Drive
Beckley, WV 25801
steve@newlawoffice.com

Timothy Lupardus
The Lupardus Law Office
Counsel for Plaintiff s
275 Bearhole Road
Pineville, WV 24874
office@luparduslaw.com

Zachary Whitten
The Whitten Law Office

Counsel for Plaintiffs

P.O. Box 753
Pineville, WV 24874
zwhittenlaw@gmail.com

Robert Dunlap
Robert Dunlap & Associates
Counsel for Plaintiffs
208 Main Street
Beckley, WV 25801
rdunlapesq@gmail.com

Michael B. Hissam (WVSB #11526)
J. Zak Ritchie (WVSB #11705)
Maureen F. Gleason (WVSB #14452)
HISSAM FORMAN DONOVAN RITCHIE PLLC
Counsel for Defendant Justice
P.O. Box 3983
Charleston, WV 25339
mhissam@hfdrlaw.com
zritchie@hfdrlaw.com
mgleason@hfdrlaw.com

/s/ Caleb B. David

Natalie C. Schaefer, Esquire (WVSB #9103)
Caleb B. David, Esquire (WVSB #12732)
Kimberly M. Bandy, Esquire (WVSB #10081)
Counsel for Mark Sorsaia
SHUMAN MCCUSKEY SLICER PLLC
P.O. Box 3953
Charleston, WV 25339
(304) 345-1400; (304) 343-1826 (fax)
nschaefer@shumanlaw.com
cdavid@shumanlaw.com
kbandy@shumanlaw.com